

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CURTIS M. COLLINS  
PLAINTIFF  
V  
RICK KEARNEY et al.,  
Defendants

Civil Action 1:05-cv-739SLR

NOTICE OF MOTION

Please Be Advised that the Attached MOTION TO Amend  
Complaint Shall Be heard By the Court AT THE  
EARLIEST CONVENIENT TIME.

Respectfully Submitted,  
Curtis Collins,

DATED: 3-29-06 2006

CURTIS M. COLLINS pro-se  
SC# 314128  
DE. Correctional Center  
Bldg 17 D-Lower 2  
1181 Paddock Road  
Smyrna DE 19977

FILED
MAY 12 2006
U.S. DISTRICT COURT DISTRICT OF DELAWARE

RD scanned /

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CURTIS. M. COLLINS  
v.  
RICK KEARNEY et.al.,  
Defendants

CIV ACTION # 1:05-CV-00739 SLR

MOTION TO AMEND COMPLAINT  
PURSUANT TO

THE PLAINTIFF CURTIS. M. COLLINS ABOVE MOVES TO AMEND  
his COMPLAINT AS OF RIGHT PURSUANT TO  
TO INCLUDE THE FOLLOWING:

- (1) JURY TRIAL DEMAND 7TH AMENDMENT USCA.
- (2) JURISDICTION PURSUANT TO 28 USC § 1331
- (3) THE CORRECTION OF THE SPELLING OF DEF. BEREZANSKY
- (4) THE ADDITIONS OF DEFENDANTS C/o MILLIGAN  
C/o DAISEY. C/o IRVIN JOHNSON  
JOHN DOE 1, JOHN DOE 2.
- (5) TO INVOKE THE CONSTITUTIONAL VIOLATIONS OF SAID  
DEFENDANTS OF PLAINTIFFS RIGHTS PURSUANT TO (4TH)  
(8TH) AND (14TH) AMENDMENTS USCA.
- (6) TO INCLUDE in DEMAND FOR RELIEF UNCONDITIONAL RELEASE  
FROM CUSTODY OF THE DELAWARE DEPT OF JUSTICE.  
A COURT (ORDER) DIRECTING ALL NAMED DEFENDANTS  
TO HAVE NO FURTHER CONTACT WITH PLAINTIFF WHILE  
IN THE CUSTODY OF DELAWARE DEPARTMENT OF CORRECTIONS.  
CRIMINAL LIABILITY OF EACH DEFENDANT PURSUANT TO  
18 USC § 242. LOSS OF THEIR JOBS AND INCARCERATION.  
MONETARY COMPENSATION \$500,000.00 TOTAL, AND \$1,000,000.00 PUNITIVE  
DAMAGES.

UPON A JURY VERDICT IN FAVOR OF PLAINTIFF AUTOMATIC  
DEDUCTION OF MONEY FROM DEFENDANTS ACCOUNTS INTO  
PLAINTIFFS ACCOUNT SO PLAINTIFF HAS NO TROUBLE  
COLLECTING HIS AWARD AS IS ENFORCED ON DEAD BEAT  
DADS IN CHILD SUPPORT CASES.

THE PLAINTIFF HAS ALSO ENCLOSED THE AMENDED  
COMPLAINT AS DESCRIBED AND ASK THE COURT  
TO DISCLOSE THE FULL NAMES OF DEFENDANTS  
C/o milligan, C/o Daisey, JOHN DOE, AND  
JOHN DOE 2.

THE PLAINTIFF REQUEST THE COURT MOVE ON THIS  
MOTION EXPEDITIOUSLY!

DATED: 3-29-06

cc: File Shu Paralegal  
AG Brian Engans  
Court Sign and Secure  
Legal Refused to Sign and Secure  
Notarize this document to be true  
this document to be "True"  
under penalty of perjury  
C C

Respectfully Submitted,  
Curtis Collins

CURTIS. M. COLLINS pro-se  
~~SMT~~ 314 128

DE. Correctional Center  
Bldg 17 D- Lower 2  
1181 Paddock Lane  
Smyrna DE 19977

This was sworn before me  
this A day of 19 2006.

NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CURTIS. M. COLLINS  
PLAINTIFF  
V.

WARDEN RICK KEARNEY,  
SGT. JAMES CHANDLER,  
C/O BRADLEY BEREZANSKY  
C/O MILLIGAN  
C/O DAISEY  
C/O IRVIN JOHNSON  
JOHN DOE 1 AND 2.  
SUED IN THEIR OFFICIAL AND  
INDIVIDUAL CAPACITIES.

CIVIL# 1:05-CV-00739 SLR

"JURY TRIAL DEMAND"  
PURSUANT TO THE  
(7TH AMENDMENT USCA)

DEFENDANTS CIVIL COMPLAINT 42 USC § 1983  
CRIMINAL COMPLAINT 18 USC § 242

THIS IS A CIVIL RIGHTS COMPLAINT FILED BY THE PLAINTIFF  
CURTIS. M. COLLINS PURSUANT TO THE CIVIL RIGHTS STATUTE OF  
1871(IE) 42 USC § 1983, IT ALLEGES EXCESSIVE USE OF FORCE,  
ASSAULT AND BATTERY, AND VERBAL ABUSE VIOLATING MY  
CONSTITUTIONALLY PROTECTED RIGHTS IN ACCORDANCE WITH THE  
(8TH AMENDMENT) OF THE USCA, BY BEING PHYSICALLY  
BEATEN BY MEMBERS OF THE DELAWARE DEPARTMENT OF  
CORRECTIONS OFFICERS, THEIR ACTIONS ALSO VIOLATED MY  
CONSTITUTIONALLY PROTECTED RIGHTS OF EQUAL PROTECTION  
IN ACCORDANCE WITH THE (14TH AMENDMENT) OF THE USCA,  
AND MY RIGHTS AGAINST UNREASONABLE SEIZURES VIOLATING  
MY CONSTITUTIONALLY PROTECTED RIGHTS IN ACCORDANCE WITH  
THE (4TH AMENDMENT) OF THE USCA, ALSO REFUSAL OF MEDICAL  
TREATMENT VIOLATING MY CONSTITUTIONALLY PROTECTED RIGHTS  
IN ACCORDANCE WITH THE (8TH AMENDMENT) OF THE USCA,  
AND THE (14TH AMENDMENT) OF THE USCA RIGHT TO  
EQUAL TREATMENT/PROTECTION, AND THE TORTS OF  
MEDICAL MALPRACTICE.

JURISDICTION

This Court has Federal Question Jurisdiction  
to hear Plaintiffs Claims pursuant to 28 USC § 1331.

Previous Lawsuits: The Plaintiff Curtis, M. Collins  
has had NO PREVIOUS LAWSUITS DISMISSED AS  
FRIVOLOUS IN ANY COURT OF THE UNITED STATES  
OF AMERICA.

EXHAUSTION PURSUANT TO PLRA: The Plaintiff Curtis, M. Collins  
HAS SATISFIED THE REQUIREMENTS OF THE PLRA ACT, BY  
(1) FILING A COMPLAINT WITHIN THE SUSSEX CORRECTIONAL  
INSTITUTIONS GRIEVANCE OFFICE ON 8-6-2005 THE  
DATE OF THE COMPLAINTED ABOUT ACTION OCCURRED.

[SEE EXHIBIT-A]. He was told IOP 4.4 has no mechanism for relief,  
I APPEAL THAT DECISIONS  
(2) The Plaintiff Curtis, M. Collins WROTE A LETTER  
TO THE DEPUTY WARDENS OFFICE DATED 10-7-2005, NO  
REPLY WAS GIVEN TO HIM.

(3) The Plaintiff Curtis, M. Collins WROTE A LETTER TO  
GOUVERNOR RUTH AND MINNER ABOUT THIS MATTER, DATED  
10-9-2005

(4) The Plaintiff Curtis, M. Collins WROTE A LETTER TO  
THE SUSSEX CORRECTIONAL CENTERS INTERNAL AFFAIRS  
OFFICE DATED 10-9-2005

(5) The Plaintiff Curtis, M. Collins WROTE A LETTER TO  
THE DEPARTMENT OF JUSTICE DATED 10-9-2005

(6) The Plaintiff Curtis, M. Collins APPEALED HIS REGULAR GRIEVANCES  
\* HE NEVER GOT AN ANSWER!

STATEMENT OF CLAIM

ON 8-6-2005 PLAINTIFF CURTIS M. COLLINS ENTERED THE MAIN CHOW HALL AT BREAKFAST TIME WHILE AT THE SUSSEX CORRECTIONAL CENTER LOCATED IN GEORGETOWN, DE. HE ASKED OTHER INMATES ALREADY SEATED AT THE TABLE TO SLIDE DOWN SO HE COULD SIT DOWN TO EAT. AT WHICH TIME (C/o BEREZANSKY) TOLD CURTIS TO "SHUT THE F\*\*\* UP" AND "THREW YOUR FING FOOD TRAY AWAY"! CURTIS ASKED HIM WHY HE HAD TO THROW AWAY HIS FOOD TRAY. HE WAS TOLD THERE'S NO TALKING IN THE CHOW HALL. CURTIS WAS NOT "TALKING" IN THE CHOW HALL. HE SIMPLY ASKED ANOTHER INMATE TO SLIDE DOWN SO HE COULD SIT DOWN TO EAT. CURTIS THEN WENT TO (SGT. CHANDLER) WHO WAS IN THE CHOW HALL TO ASK WHY HE COULDN'T FINISH HIS MEAL. SGT CHANDLER DID NOT RESPOND. AS CURTIS WAS LEAVING THE CHOW HALL, (C/o BEREZANSKY) SAID SOME THING SIMILAR TO CURTIS. AS CURTIS TURNED AROUND TO HEAR WHAT HE SAID, (C/o BEREZANSKY) CAME RUNNING AT CURTIS AND PUNCHED HIM IN HIS FACE. C/o S (MILLIGAN) (DAISEY) AND (IRVIN JOHNSON) ALSO GOT INVOLVED AND PUSHED CURTIS OUT OF THE CHOW HALL AND SLAMMED CURTIS TO THE WALL AND COFFED. CURTIS BEHIND HIS BACK AND SLAMMED CURTIS TO THE GROUND USING BRUTE FORCE. THEN THEY SPRAYED 2 CANS OF PEPPERSPRAY IN CURTIS FACE, AND PROCEEDED TO PUNCH AND KICK CURTIS WHILE HE WAS COFFED AND IN NO WAY A "THREAT" TO ANY OF THE OFFICERS SAFETY OR WELL BEING. CURTIS WAS TAKEN TO ASDA HOLDING CELL AND HE COMPLAINED OF PAIN IN HIS RIBS. AT WHICH TIME A NURSE (JOHN DOLL) CAME TO SEE CURTIS. SHE DID NO EXAMINATION AND TOLD CURTIS TO "STOP CRYING LIKE A LITTLE BITCH!" THEY THEN PLACED CURTIS IN CELL ASDA #1 AND CURTIS WENT (47) DAYS WITHOUT RECEIVING MEDICAL ATTENTION. AT WHICH TIME X-RAYS WERE TAKEN OF CURTIS RIBS WHICH INDICATED

his RIBS WERE FRACTURED, HE REQUESTED A COPY OF THE X-RAYS AND WAS TOLD HE COULD NOT HAVE THEM BY (DOCTOR JOHN DOEZ)

DEMAND FOR RELIEF

- (1) THE PLAINTIFF CURTIS M. COLLINS SEEKS AGAINST (ALL) NAMED DEFENDANTS A TRIAL BY JURY AT USDC DE. 844 N. KING STREET WILMINGTON DE 19801.
- (2) MONETARY COMPENSATION IN THE AMOUNT OF \$500,000.00 FOR THE INJURIES INFILDED ON HIM BY THE FORNAMED DEFENDANTS.
- (3) UNCONDITIONAL RELEASE FROM THE CUSTODY AND CONTROL OF THE DELAWARE DEPARTMENT OF CORRECTIONS TO SOCIETY.
- (4) AN ORDER FROM THIS COURT TO (ALL) DEFENDANTS TO STAY AWAY FROM AND HAVE NO CONTACT WITH PLAINTIFF COLLINS WHILE HE (IS) IN THE CUSTODY AND CONTROLLED OF THE DELAWARE DEPARTMENT OF CORRECTIONS.
- (5) THAT EACH NAMED DEFENDANT ALSO BE FOUND CRIMINALLY LIABLE FOR VIOLATING PLAINTIFF'S RIGHTS PURSUANT TO 42 USC § 1983 AS IS AUTHORIZED BY 18 USC § 242 AND THAT THEY BE SENTENCED ACCORDINGLY TO THE TIME AUTHORIZED FOR THEIR CRIMINAL CONDUCT. SPECIFICALLY LOSS OF THEIR JOBS WORKING FOR THE DELAWARE DEPARTMENT OF CORRECTIONS AND INCARCERATED IN PRISON.

- (6) PLAINTIFF ALSO REQUEST THIS COURT TO SET THIS CASE FOR TRIAL BY GIVING ALL PARTIES NOTICE OF A TRIAL DATE SCHEDULED ON THE "EARLIEST" OPEN DATE ON THE COURTS CALENDAR.
- (7) THAT UPON A JURY VERDICT IN FAVOR OF PLAINTIFF, ANY MONETARY AWARD LODGED AGAINST THE DEFENDANTS BE AUTOMATICALLY DEDUCTED ELECTRONICALLY FROM THEIR PERSONAL ACCOUNTS AND TRANSFERRED INTO THE ACCOUNT OF PLAINTIFF, SO THAT THE PLAINTIFF DOES NOT HAVE ANY PROBLEM COLLECTING HIS SETTLEMENT!

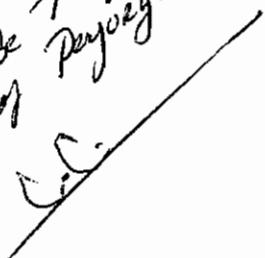
Respectfully Submitted,

Curtis Collins  
CURTIS. H. COLLINS (pro-se)

SE# 314128

DELAWARE Correctional CENTER  
Bldg 17 D- LOWER 2  
1181 Paddock Road  
Smyrna DE 19977

cc. File  
Court  
A.G.  
Legal.

She has legal brain Engrams  
Refused to Sign and Notarize this  
Document. I Swear this under  
penalty of Perjury!  


This was sworn before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

Notary Public.

CERTIFICATE OF SERVICE

I CURTIS. M. COLLINS hereby certify that I caused a true and correct copy of the attached Amend. Complaint, Motion to Amend, Motion for Default, Notice of witness to be served on the following individuals by placing same in the United States Mail by giving said mailing to (to) who is employed at THE DELAWARE CORRECTIONAL CENTER WHERE I AM CURRENTLY DETAINED ON THIS DAY FRIDAY April 7th 2006.

(1) ERIKA Y. TROSS ESG.  
(ID# 4506)  
Deputy Attorney General  
Dept. of Justice  
Carvel State Office Building  
820 N French Street  
6TH Floor  
Wilmington, DE 19801  
Ph# (302) 577-8400

(2) PETER T. DAILEO (CLERK)  
UNITED STATES DISTRICT COURT  
DELAWARE  
LOCK BOX 18  
844, N. KING, STREET  
WILMINGTON, DE, 19801

(3) CARL S. DANSBERG  
ATTORNEY GENERAL (DELAWARE)  
DEPT OF JUSTICE  
CARVEL STATE BUILDING  
820 N. FRENCH STREET  
6TH FLOOR  
WILMINGTON, DE, 19801

Curtis Collins  
CURTIS. M. COLLINS pro-se  
SBI# 314128  
DELAWARE CORRECTIONAL CENTER  
Bldg 17 D-LOWER 2  
1181 Paddock Road  
Smyrna DE 19971

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Curtis M. Collins  
plaintiff  
v.

WARDEN Rick Kearney, et.al.,

Civ. Act. # 1:05-cv-00739-SLR

..  
"Jury Trial Demand"  
(7TH AMENDMENT USCA)

NOTICE OF WITNESSES

Comes now the Plaintiff in the above action, Curtis M. Collins, who moves this court to inform his intent to call "eyewitnesses" in his behalf at the trial. These witnesses were all present when the complained of incident occurred. And Plaintiff is in the process of securing their statements and testimony at trial.

DATE: 3-29-06

Respectfully Submitted,

Curtis Collins

CURTIS M. COLLINS pro-se

JAI# 314128

cc. File  
AG.  
Court  
Legal  
Shu Paralegal  
Brian Engrams  
Refused to  
Notarize, I.D. Card  
under penalty of  
perjury, this document is  
CC/ Smyrna, DE 19977

DELAWARE Correctional Center

Bldg 17 D-Lower 2

1181 Paddock Road

This was sworn before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 2006.

NOTARY PUBLIC.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CURTIS M. COLLINS  
V  
PLAINTIFF

Civil Action 1:05-cv-739SLR

RICK KEARNEY, et.al.,  
Defendants

NOTICE OF MOTION

Please TAKE NOTICE THAT THE ATTACHED MOTION TO DENY RELIEF  
SHALL BE HEARD BY THE COURT AT THE EARLIEST  
CONVENIENT TIME.

DATED: 3-29-06 2006

Respectfully Submitted,  
Curtis Collins  
Curtis. M. Collins pro-se  
~~SBN#~~ 314128  
DE. Correctional Center  
Bldg 17 D-Lower 2  
1181 Paddock Road  
Smyrna DE 19977

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CURTIS, M. COLLINS  
v PLAINTIFF  
RICK KEARNEY et.al.,  
Defendants

Civil Action. 1:05-cv-739SLR

Acknowledgement of Entry  
And Motion To Deny  
Any Intended Relief.

The Plaintiff Received A Filing dated March 16, 2006  
For The ENTRY OF ERIKA. Y. TROSS (#4506) AS ATTORNEY  
For The Defendants.

The Plaintiff Has Corrected Any Spelling Error of Defendant  
Bradley BEREZANSKY Name in his Amended Complaint Filed  
With The Court, AND FURTHER ASSERTS To The Court  
THAT IF He was Supplied Proper Discovery As is  
Required Pursuant To Fed. R. Civ. P.

HE WOULD OF HAD The Correct Spelling, which is  
Mandatory Required OF Defendants To Produce,  
AND THAT ANY NOTICE IMPLIED BY MS TROSS TO DISMISS  
THIS CIVIL ACTION DUE TO A DEMINIMUS Spelling error  
Be So Rightfully DENIES by the Court.

DATE: 3-29-06

She purposed Brian Engrons 2006.  
cc. file referred to Notarize and Sign this  
as Document. I swear this document  
Court to be true under penalty of  
Legal Perjury! C.C.

This was Sworn Before Me  
this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

Notary Public

Respect Fully Submits,  
Curtis Collins

SC# 314128 Pro-se  
DE. CORRECTIONAL CENTER  
Bldg 17 D-Lower 2  
1181 Paddock Road  
Smyrna DE 19977

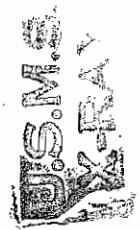


INJIGER

IM CURTIS COLBINS  
SBI# 314128 UNIT 21-C-15-3-

DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

S.M.S.  
CRAY



To: CLERK "PETER" DALLER  
UNITED STATES DISTRICT COURT  
1 DELAWARE; Lock Box 18  
844 N. KING STREET  
WILMINGTON, DELAWARE



19801

1 E 9 A 1, MA 0110

LEGAL  
MAIL

7/27/01  
12:45 PM